



west virginia department of environmental protection

Division of Water and Waste Management
 601 57th Street, SE
 Charleston, WV 25304-2345
 Phone: 304-926-0495
 Fax: 304-926-0457

Joe Manchin III, Governor
 Stephanie R. Timmermeyer, Cabinet Secretary
 www.wvdep.org

**WEST VIRGINIA
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 WATER POLLUTION CONTROL PERMIT**

NPDES PERMIT NO.: WV1004956

ISSUE DATE: August 14, 2007

ASSOCIATED PERMITS: O501591, S505286, S508187, S510186, U508886

EXPIRE DATE: April 15, 2012

SUBJECT: Coal Loading Facility; Deep Mine; Haulroad; Surface Mine

SUPERSEDES/ WV1004956 / 3/28/2005 WV0063797 / 6/16/1998 WV0064742 / 6/16/1998 WV0093092 / 6/16/1998
 EFFECTIVE DATE:

HEALTH CERTIFICATE:

LOCATION: Sharples	Logan	Group B	Coal River
(City)	(County)	(Hydrologic)	(Drainage Basin)

TO WHOM IT MAY CONCERN:

This is to certify that: MINGO LOGAN COAL COMPANY
 1000 MINGO LOGAN AVE
 WHARNCLIFFE, WV 25651

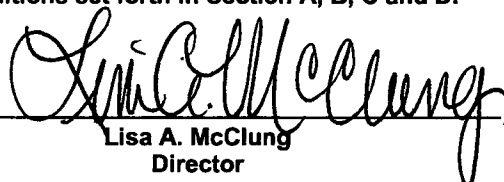
is hereby granted a West Virginia NPDES Water Pollution Control Permit to:

operate the Left Fork No. 2, Lick Branch and Bee Bait Surface Mines in the Winifrede, Buffalo, Coalburg, Stockton, Clarion, 5-Block, Kittanning and all splits of these coal seams; operate the Left Fork Conveyor Facility; maintain the abandoned Coalburg No. 3 Deep Mine; operate the Coalburg No. 6 Deep Mine; accept drainage from the Buffalo 10 & 10A and Coalburg No. 8 Deep Mines; to switch the locations of outlets 012 and 015 (due to an inadvertent error by the sampler); to discharge untreated water into adjacent Permit WV0065889 and monitored at outlets 011 & 013; to provide stormwater coverage for access and haulroads; and to discharge treated water into Left Fork and Briar Branch of Beech Creek, Trace Branch, Adkins Fork and Whites Trace Branch of Spruce Fork of Little Coal River of the Coal River of the Kanawha River and into Pine Fork of and into Dingess Run of the Guyandotte River.

This permit is subject to the following terms and conditions:

—The effluent limitations, monitoring requirements and other conditions set forth in Section A, B, C and D.

By : _____


 Lisa A. McClung
 Director

Promoting a healthy environment.

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

- 1. The permittee is authorized to discharge from Outlet Number(s) listed below:**

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

[illegible]

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Permit No. WV1004956
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Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	DISCHARGE LIMITATIONS			Units	MONITORING REQUIREMENTS	
							Min. Daily Report Only	Avg. Monthly Report Only	Max. Daily Report Only		Measurement Freq.	Sample Type
007	L	37°51'02" 81°50'35"	1515	Flow	03/28/2005		Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				pH	03/28/2005		6.00	N/A	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	03/28/2005		Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	03/28/2005		Report Only	Report Only	0.50	ML/L*	See Section A of Permit	Grab
				Selenium, Total Recoverable	03/28/2005	03/28/2008	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
				Iron, Total (As Fe)	03/29/2008		Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				Manganese, Total	08/14/2007		Report Only	1.42	2.46	MG/L	Semi-monthly	Grab
				Aluminum, Total (as Al)	08/14/2007		Report Only	2.00	3.47	MG/L	Semi-monthly	Grab
				Aluminum, Dissolved (As AL)	08/14/2007		Report Only	0.43	0.75	MG/L	Semi-monthly	Grab
					03/28/2005		Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab

(See 3, 4)

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Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
008	L	37°52'19" 81°51'58"	1420	Flow	03/28/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				pH	03/28/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	03/28/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	03/28/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit	Grab
				Selenium, Total Recoverable	03/28/2005	03/28/2008	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
					03/29/2008		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				Iron, Total (As Fe)	08/14/2007		Conc	Report Only	1.82	3.15	MG/L	Semi-monthly	Grab
				Manganese, Total	08/14/2007		Conc	Report Only	2.00	3.47	MG/L	Semi-monthly	Grab
				Aluminum, Total (as Al)	08/14/2007		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly	Grab
				Aluminum, Dissolved (As AL)	03/28/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
				Selenium, Total (As SE)	03/28/2005		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				(See 3, 4)									

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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
009	L	37°52'42" 81°51'11"	1468	Flow	03/28/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				pH	03/28/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	03/28/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	03/28/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit	Grab
				Selenium, Total Recoverable	03/28/2005	03/28/2008	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
				Iron, Total (As Fe)	03/29/2008		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
011	L	37°52'14" 81°52'18"	1409	Flow	03/28/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				pH	03/28/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	03/28/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
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				Selenium, Total Recoverable	03/28/2005	03/28/2008	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
					03/29/2008		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				Iron, Total (As Fe)	08/14/2007		Conc	Report Only	1.82	3.15	MG/L	Semi-monthly	Grab
				Manganese, Total	08/14/2007		Conc	Report Only	2.00	3.47	MG/L	Semi-monthly	Grab
				Aluminum, Total (as Al)	08/14/2007		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly	Grab
				Aluminum, Dissolved (As AL)	03/28/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab

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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
015	L	37°52'31" 81°52'59"	1361	Flow	03/28/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				pH	03/28/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	03/28/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	03/28/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit	Grab
				Selenium, Total Recoverable	03/28/2005	03/28/2008	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
					03/29/2008		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				Iron, Total (As Fe)	08/14/2007		Conc	Report Only	1.82	3.15	MG/L	Semi-monthly	Grab
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				Aluminum, Dissolved (As AL)	03/28/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
		(See 3, 4)											

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

* Instantaneous maximum limitation not to be exceeded at any time.

3. COMPLIANCE POINT: Samples taken for compliance with the above monitoring requirements shall be taken at the following locations: Outlet sites
4. ALTERNATE EFFLUENT LIMITATIONS: If alternate effluent limits are chosen, the following monitoring scheme applies:
 - (a) Table I Alternate Storm Limitations applies to any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period.
 - (b) Analyze the required parameters, which are determined by effluent type (listed in A.1.) and rainfall event, listed in Table I Alternate Storm Limitations.
 - (c) The permittee shall have the burden of proof that the discharge or increase in discharge was caused by the applicable rainfall event. This shall be verified by the use of a rainfall gauge located within three miles of the discharge point and last emptied no more than twenty-four hours prior to the time the sample was taken. Automated rain gauges may also be utilized. The sampling date and amount of rainfall measured by the gauge shall be reported on the Discharge Monitoring Report(DMR).
5. The rainfall gauge shall be located within three miles of the discharge point and last emptied not more than 24 hours prior to the time the sample was taken. Automated rain gauges may also be utilized. The sampling date and amount of rainfall measured for the 24-hour period of the sample being collected shall be reported on the Discharge Monitoring Report(DMR) for each DMR reported.
6. SUBMISSION OF DISCHARGE MONITORING REPORTS (DMRs):
 - (a) Permittee shall submit each quarter, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating the values of the constituents listed in Part A, to be in the discharge measured at the specific compliance points. All analyses must be determined by methods required in 40 CFR Part 136.
 - (b) The required quarterly reports shall be postmarked no later than twenty (20) days following the end of the reporting period and shall be sent to:

West Virginia Department of Environmental Protection
Division of Mining & Reclamation / HPU / NPDES Section
601 57th Street SE
Charleston, West Virginia 25304
 - (c) Enter reported average and maximum values under Quantity and Concentration in the units specified for each parameter, as appropriate.
 - (d) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled N.E. (i.e. number exceeding).
 - (e) Specify frequency of analysis of each parameter as number of analyses/specified period (e.g. 3/month is equivalent to 3 analyses performed every calendar month). If continuous enter Cont. The frequency listed on format is the minimum required.
 - (f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic means unless otherwise specified in the permit.
7. Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used. The permittee

may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

When averaging values of analytical results for DMR reporting purposes for monthly averages, the permittee should use actual analytical results when these results are greater than or equal to the MDL and should use zero (0) when these results are less than the MDL. If all analytical results are non-detect at the MDL (<MDL), then the permittee should use the actual MDL in the calculation for averaging and report the results as less than the average calculation.

8. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.

TABLE 1
ALTERNATE STORM LIMITATIONS

EFFLUENT TYPES	DRY WEATHER	DCP*	1 YEAR - 24 HOUR	2 YEAR - 24 HOUR	10 YEAR - 24 HOUR
<u>ACID OR FERRUGINOUS CATEGORIES</u>					
a. Discharges from underground workings of underground mines not commingled	TSS pH Iron Flow Manganese Aluminum	(NO ALTERNATE LIMITATIONS)			
b. Discharges from underground workings of underground mines commingled	TSS pH Iron Flow Manganese Aluminum				Flow pH Aluminum
c. Controlled surface mine drainage(except steep slope and mountaintop removal)	TSS pH Iron Flow Manganese Aluminum				Flow pH Aluminum
d. Non-controlled surface mine drainage(except steep slope and mountaintop removal)	TSS Iron Flow pH Manganese Aluminum	SS** pH Iron Flow Manganese Aluminum	SS** pH Flow Aluminum		Flow pH Aluminum
e. Discharges from coal refuse disposal areas	TSS pH Iron Flow Manganese Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
f. Discharges from steep slope and mountaintop removal areas	TSS Iron Flow pH Manganese Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
g. Discharges from preparation plants and preparation plant associated areas (excluding coal refuse piles)	TSS Iron Flow pH Manganese Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
h. Discharges from reclamation areas	Flow SS** pH Aluminum				Flow pH Aluminum
<u>ALKALINE CATEGORY</u>					
i. Discharges from underground workings of underground mines not commingled	TSS pH Iron Flow Aluminum Mn	(NO ALTERNATE LIMITATIONS)			
j. Alkaline Mine Discharges	TSS Iron Flow pH Mn Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
k. Reclamation areas	Flow SS** pH				Flow pH
<u>WATER QUALITY BASED LIMITS</u>					
l. Water quality based effluent limits	TSS Iron Flow pH Mn Al	SS** pH Iron Flow Manganese Aluminum			
m. Bathhouse & Sewage	UBOD BOD5 TKN DO	(NO ALTERNATE LIMITATIONS)			

DCP* -- Discharge or increase in the volume of a discharge caused by precipitation within any 24 hour period

SS** -- Settleable Solids Mn -- Manganese Al -- Aluminum

County: Logan

1-Year 02.40

2-Year 02.74

10-Year 03.98

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the following interim requirements with the discharge limitations specified in this permit in accordance with the following schedule:

Interim Requirement

Completion Date

Effective date of this permit

2. Reports of compliance or non-compliance with, and progress reports on the interim and final requirements contained in the above compliance schedule shall be submitted no later than fourteen (14) days following each schedule date.

N/A

C. TERMS AND CONDITIONS INCORPORATED BY REFERENCE TO THE WV NPDES REGULATIONS FOR COAL MINING AND FACILITIES, TITLE 47, SERIES 30.

- 5.1 Duty to Comply, Penalties
- 5.2 Duty to Reapply
- 5.3 Duty to Halt or Reduce Activity
- 5.4 Duty to Mitigate
- 5.5 Proper Operation and Maintenance
- 5.6 Permit Actions
- 5.7 Transfer
- 5.8 Property Rights
- 5.9 Duty to Provide Information
- 5.10 Inspection and Entry
- 5.11 Monitoring and Records
- 5.12 Signatory Requirements
- 5.13 Reporting Requirements
- 5.14 Bypass
- 5.15 Upset
- 5.16 Reopener Clause
- 5.17 Removed Substances
- 5.18 New Sources (if applicable)
- 5.19 Definitions

D. OTHER REQUIREMENTS**1. REPORTING SPILLS AND ACCIDENTAL DISCHARGES**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Series 3, Section 1 of the Environmental Quality Boards regulations.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Series 3, Section 1 of the regulations as they pertain to the reporting of spills and accidental discharges.

2. HAULAGEWAYS AND ACCESS ROADS

Haulageways and access roads shall be constructed and maintained in accordance with best management practices including, but not limited to, the performance standards contained in Title 38, Series 2, Section 4 of the West Virginia Surface Mining Reclamation Regulations.

3. RECEIVING STREAMS

The receiving streams shall be monitored by grab samples as required at the stream sampling points listed below, and the samples shall be analyzed for the parameters listed below. The flow of the stream shall also be estimated at the time of monitoring. Monitoring shall be done approximately at the same time as the discharge points are monitored as required under Section A of this permit. A quarterly report of the stream monitoring and flow shall be sent to the NPDES section in Charleston, on the enclosed forms along with the reports required under Section A. Based upon the stream monitoring flow data, water quality standards or other information, the Department may at any time modify the effluent limits in Section A of this permit for any of the discharge points if necessary, to insure compliance with water quality standards.

<u>STREAM STATION</u>	<u>LATITUDE</u>	<u>LONGITUDE</u>	<u>ELEV.</u>	<u>PARAMETERS</u>
DAF	37°51'30'	81°50'14'	1375	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DBC	37°54'31'	81°50'16'	910	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DDR	37°52'00'	81°52'11'	1150	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DPF	37°52'37'	81°53'47'	950	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DWTB	37°52'28'	81°50'05'	890	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UAF	37°50'53'	81°50'32'	1119	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)

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<u>STREAM STATION</u>	<u>LATITUDE</u>	<u>LONGITUDE</u>	<u>ELEV.</u>	<u>PARAMETERS</u>
UBC	37°54"32'	81°51"03'	949	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UDR	37°52"18'	81°51"43'	1330	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UPF	37°52"40'	81°52"27'	1360	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UWTB	37°52"00'	81°50"55'	940	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)

4. SURFACE MINES

If the coal mining operation has been granted Phase II revegetation release and all discharge points have been eliminated during the period this permit is in effect, the discharge limitations and monitoring requirements in Section A and Section D.3 stream monitoring shall not apply. The coal mining operation shall be maintained in accordance with best management practices including, but not limited to the applicable performance standards contained in Title 38, Series 2, West Virginia Mining Reclamation Regulation until the associated performance bond has been final released.

DMM-5-A

PERMIT NO. WV1004956
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The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; the plans and specifications submitted with Permit Application No. N/A, completed the N/A day of N/A N/A; the information submitted with the application for Reissuance No. WV1004956 completed the 29 day of May 2007, with the plan of maintenance and method of operation thereof submitted with such application(s) with the WVNPDES Regulations, Series 30 and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. N/A, completed the N/A day of N/A, N/A, with the information submitted with Application No. for Reissuance No. WV1004956 completed the 29 day of May, 2007 and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Article 11, Chapter 22 of the code of West Virginia.

This permit is issued in accordance with the provisions of Article 11, Chapter 22 of the Code of West Virginia and is transferable under the terms of WVNPDES Regulations, Series 30, Subsection 3.5.c.